

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-15022 - APPLICANT: MONTECITO COMPANIES -  
OWNER: MONTECITO MARKETPLACE, LLC**

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**\*\* CONDITIONS \*\***

The Planning Commission (5-0-1/rt vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Restaurant with drive-through use.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request for a Special Use Permit for a proposed restaurant with drive-through at 7096 North Durango Drive (APN 125-20-510-019), T-C (Town Center) Zone [Mixed-Use Commercial Montecito Town Center Land Use Designation].

**EXECUTIVE SUMMARY**

The applicants request is justified because this proposed restaurant with drive-through is compatible with the existing portion of the shopping center and complies with the Montecito Town Center development standards.

**BACKGROUND INFORMATION**

***A) Related Actions***

- |          |  |
|----------|--|
| 05/20/64 | The City Council approved an annexation (A-0003-64) of land generally located north of Cheyenne Avenue and west of Decatur Boulevard, containing approximately 10,136 acres, including the 40-acre east portion of the subject site. The effective date was 05/29/64.  |
| 12/07/98 | The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) of a 1,468-acre portion of the Northwest, including the east 40-acre portion of the overall subject site. The Planning Commission and staff recommended approval.  |
| 01/17/01 | The City Council approved an annexation (A-0003-99) of land generally located west of El Capitan Way and east of Hualapai Way between Grand Teton Drive and Rome Avenue, containing approximately 615 acres, including the west five acres of the subject site. The effective date was 01/26/01. The Planning Commission and staff recommended approval. |
| 12/19/02 | The Planning Commission approved a request for a Tentative Map (TMP-1244) for a three-lot commercial subdivision on 80 acres on the east side of the El Capitan Way alignment (Durango Drive) between Elkhorn Road and Deer Springs Way. Staff recommended approval.   |

- 12/04/03 The Planning Commission approved a request for a Site Development Plan Review (SDR-3267) for a proposed hospital on 40 acres adjacent to the northeast corner of Durango Drive and Deer Springs Way. Staff recommended approval.
- 04/07/04 The City Council approved a Site Development Plan Review (SDR-3764) related to a Major Modification of the Montecito Town Center Development Agreement (MOD-3763) and Rezoning (ZON-3840) for a proposed 587,750 square-foot mixed-use commercial development on 45.6 acres in Montecito Town Center, adjacent to the southeast corner of Elkhorn Road and Durango Drive. Additionally, the following Special Use Permits were also approved: (SUP-3765) for liquor sales on Pad A, (SUP-3767) for gaming (incidental) on Pad A, (SUP-3769) for a drive-through facility on Pad A, (SUP-3770) for a drive-through facility on Pad O, (SDR-3771) for a tavern on Pad P, (SUP-3773) for gaming (incidental) on Pad P, (SDR-3764) for gasoline sales on Pad Q, (SUP-3776) for a car wash on Pad Q, (SUP-3777) for gaming (incidental) on Pad Q, (SUP-3778) for liquor sales on Pad Q, (SUP-3779) for a tavern on Pad Z, (SUP-3780) for gaming (incidental) on Pad Z, (SUP-3781) for a drive-through on Pad F, (SUP-3783) for liquor sales on Pad HH, (SUP-3785) for gaming (incidental) on Pad HH, (SUP-3786) for a drive-through facility on Pad HH, (SUP-3788) for a drive-through facility on DD, and (SUP-3789) for a drive-through facility on EE. The Planning Commission and staff recommended approval.
- 02/16/05 The City Council approved a Site Development Plan Review (SDR-5731) for a Major Amendment to the approved Site Development Plan Review 380,000 square foot development that included the subject site. The Planning Commission and staff recommended approval.
- 07/25/05 Planning and Development Department staff administratively approved a Minor Amendment to the approved Site Development Plan Review (SDR-5731) that changed the parking layout of Building F and added five parking spaces.
- 04/19/06 The City Council approved a Site Development Plan Review (SDR-11702) request for a Major Amendment to an approved Site Development Plan Review (SDR-5731) to allow the modification of pads G, I through O, R, U, and V on 21.48 acres at the southeast corner of Durango Drive and Elkhorn Road and a companion Variance (VAR-11710) to allow 1,032 parking spaces where 1,209 spaces is the minimum required for Phases I and II of the Montecito Marketplace commercial development.
- 08/24/06 The Planning Commission voted 5-0-1/rt to recommend APPROVAL (PC Agenda Item #13/jm).

***B) Pre-Application Meeting***

Since the applicant submitted their application before July 11<sup>th</sup>, it was agreed that the applicant would not be required to attend an additional Pre-submittal conference as these items had already been reviewed previously.

**C) *Neighborhood Meetings***

No neighborhood meeting was required with this application, nor was one held.

**DETAILS OF APPLICATION REQUEST**

**A) Site Area**

Net Acres: 21.48

**B) Existing Land Use**

Subject Property: Retail Commercial – under construction

North: Undeveloped

South: Undeveloped

East: Undeveloped

West: Undeveloped

**C) Planned Land Use**

Subject Property: UC-TC (Urban Center Mixed Use – Town Center)

North: PF-TC (Public Facilities – Town Center)

South: UC-TC (Urban Center Mixed Use – Town Center)

East: UC-TC (Urban Center Mixed Use – Town Center)

West: UC-TC (Urban Center Mixed Use – Town Center)

**D) Existing Zoning**

Subject Property: T-C (Town Center)

North: T-C (Town Center)

South: T-C (Town Center)

East: T-C (Town Center)

West: T-C (Town Center)

**E) General Plan Compliance**

The subject site is designated TC (Town Center) within the Centennial Hills Sector Plan of the Master Plan. The Town Center category is intended to be the principal employment center for the Northwest and is a mixed-use development category. As compatibility allows, a mix of uses can include mall facilities, shopping centers and other retail facilities; low to high density residential uses; planned business; office and industrial parks; and recreational uses. The existing T-C (Town Center) zoning district and the retail, restaurant, supper club, drive-through, and ancillary uses are all permitted uses within Town Center.

## ANALYSIS

### A) Zoning Code Compliance

#### A1) Parking and Traffic Standards

Parking standards within Montecito Town Center are subject to the requirements of Title 19.10, as well as specific standards contained within the Town Center Development Standards Manual relating to design. The following Parking Standards apply to the subject proposal:

Uses	GFA	Required		Provided	
		Ratio	Parking		Parking
			Regular	Handicap	
Retail	144,442 SF	1/250 SF GFA	578		
Beauty Salon	7,225 SF	1/200 SF GFA	37		
Office, Medical	8,725 SF	1/200 SF GFA up to 2,000 SF; 1/175 SF GFA thereafter	49		
Office	729 SF	1/300 SF GFA	3		
Restaurant (without drive-through)	29,047 (17,235 SF seating/waiting)	1/50 SF GFA seating/waiting area; 1/200 SF remaining GFA	405		
Massage Establishment	3,611 SF	2 per bed	30		
Restaurant (with drive-through)	4,675 SF	1/100 SF GFA	47		
Financial Institution	8,945 SF	1/200 SF GFA	45		
Subtotal	212,172 SF		1,194	23	1018
<b>TOTAL</b>			<b>1,194</b>		<b>1,018</b>

Based on the projected uses, a total of 1,194 spaces are required for the portion of the overall site shown on the submitted site plan. However, per Variance (VAR-11710), a parking reduction of 177 parking spaces is allowed on sites labeled Phases I and II. The site plan provides 1,017 parking spaces which is in compliance with the Variance.

A2) Minimum Distance Separation Requirements

As the Montecito rules supersede Title 19 requirements, there are no minimum distance separation requirements for this site.

***B) General Analysis and Discussion***

- Zoning

The subject site is currently zoned T-C (Town Center) with a UC-TC (Urban Center Mixed Use - Town Center) General Plan designation. While this designation has been applied through the Centennial Hills Sector Plan of the city's Master Plan and is reflected in the Town Center Development Standards Manual, the UC-TC land use designation is superseded by the Montecito Town Center Master Development Plan, which designates that area as a portion of the "Montecito Town Center Mixed Use Commercial Area." Where the Montecito Town Center Land Use and Design Standards are silent, the Town Center Development Standards Manual applies.

- Use

Per the Montecito Town Center Land Use and Development Standards Manual, the proposed restaurant with drive-through use is allowed with approval of a Special Use Permit by the City Council.

Pad "N", situated between two access points off Durango Drive, is part of a larger shopping plaza called the Montecito Marketplace. The site is buffered from Durango Drive by existing landscaping provided by the master plan. There is adequate parking on-site and the Montecito Marketplace provides additional parking off-site.

- Conditions

The conditions of an approval for a restaurant with a drive-through within Montecito Town Center are established on a case-by-case basis through the review of Special Use Permit and Site Development Plan Review applications.

**FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

With compliance to the conditions of approval the drive-through use will be harmonious and compatible with the neighboring uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is level and contains no physical impediments to development. It is physically suitable for the type and intensity of land use as proposed by this drive-through facility use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The access to the development area is via an internal shopping center drive, which is in turn connected to Durango Drive, a 120-foot wide Parkway arterial and Elkhorn Road, a 100-foot wide Primary arterial roadway.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 377 by City Clerk

**APPROVALS** 0

**PROTESTS** 0